

Summary Minutes
Maricopa County Local Emergency Planning Committee (MCLEPC)

April 5th, 2006

A meeting of the Maricopa County Local Emergency Planning Committee (MCLEPC) was held on April 5th, 2006 at 701 West Jefferson in Phoenix, Arizona.

Membership Attendance

- *Members in Attendance* - Bob Horn, Mike Trepasso, Steve Brittle, Kevin Rose, Mike Fusco, David Jones, MaryAlice Witzel, and Al Jensen
- *Members Absent* - Tom Shannon, Tom Abbott, Joe Arpaio, Tim Jones, Othell Newbill, Terry Petko, Jack Pike, John Power, and Hal Rosen
- *Others in Attendance* - Holly Carpenter, Mary Kanoon, Glenn Jones, Scott Meyer, Henry Walden, Anne Fischer, Bobby Ruiz, Ron Jamison, Todd Harms, Rob Gunter and Ann Marie Chischilly

Call to order

Chairman Fusco called the meeting to order at 2:05 p.m. with a quorum of the membership in attendance.

Introductions

Chairman Fusco welcomed everyone to the meeting and called for introductions from the committee membership.

Approval of the January 2006 Minutes

Kevin Rose made a motion to approve the minutes from January 2006. David Jones seconded the motion and the committee approved the minutes.

Subcommittee Reports

- ***Grants Subcommittee*** – Glenn Jones announced that LEPC received a \$4,200 grant from the SERC. Fifteen hundred dollars is the non-competitive portion, to be used by administrative staff for print costs and paper, and \$2,700 is the competitive grant, available for evacuation exercises and supplies.

- ***Plans Subcommittee*** – Mr. Brittle stated that the plans subcommittee met on March 10th to discuss the upcoming town hall event. The subcommittee worked on picking out the maps to use and the format for the event. He stated that the subcommittee put in requests for other county LEPC plans through the AZSERC, including plans from LEPCs outside of Arizona. He stated that this is so we can look at what they do versus what we do, to have something to compare our plan to.
- ***Rules Subcommittee*** – Mr. Fusco stated that Mr. David Jones has agreed to take his position as chairman of the rules subcommittee.
- ***Education Subcommittee*** – No education subcommittee report was presented to the committee. Mr. Fusco announced that Mr. Hal Rosen could not fill the position as chairman of the education subcommittee because he is the vice-chairman of the LEPC. Mr. Fusco announced that Mr. Terry Petko has stepped up and is willing to be the chairman of the education subcommittee.

Mr. Fusco asked the committee if they were comfortable with his decision, allowing Mr. David Jones to Chair the Rules Subcommittee and Mr. Terry Petko to Chair the Education Subcommittee. No one was opposed.

- ***Ad-Hoc Subcommittee*** – Mr. Glenn Jones announced that the time on the ad-hoc subcommittee had expired, and the subcommittee members are in agreement that it should be rolled into the planning subcommittee. Chairman Fusco stated that he was going to make sure every effort is made to comply with the recommendations of the ad-hoc subcommittee. He then made a motion to roll the ad-hoc subcommittee into the plans subcommittee. No one opposed. The motion passed.

Mr. Rob Gunter asked why the grant amounts are so low. Glenn Jones announced that the funds are not available because the state's fund pot is dwindling, and the non-competitive amount of \$1,500 is given to all fifteen LEPCs in the state, the \$2,700 is set aside specifically for equipment. Mr. Gunter asked if the Maricopa LEPC charges fees on Tier Two's. Mr. Fusco said no, but it is definitely something to look at.

- ***Membership Subcommittee*** – Mr. Tim Jones was not attendance. No report was given.

Old Business

Membership Approval - Mr. Fusco announced the candidates for LEPC membership. Mr. Ron Jamison of Phoenix Fire was nominated to replace Mary Price (instead of Todd Harms) and Rob Gunter was nominated to replace Tom Shannon of City of Glendale. Mr. Brittle made a motion to accept the nomination; the motion was seconded by Ms. Witzel, and passed by the committee.

Rules Revisions – Mr. Fusco asked the new rules subcommittee chair David Jones to take over for the next meeting. Mr. Brittle expressed concern about rules changes and specific language he proposed back several meetings ago that was supposed to have been added. Mr. David Jones agreed there are changes that need to be made based on rules decisions voted on at previous LEPC meetings.

New Business

Town Hall Meetings – Mr. Kevin Rose announced that the town hall meeting concept was developed under the ad-hoc/planning subcommittee with Mr. Brittle. He stated that they both have been working with Councilmember Tom Simplot of the City of Phoenix. The first town hall meeting will be near the west side of town near 43rd and McDowell Road in Phoenix. Mr. Rose stated they plan to present to the citizens with what the LEPC is and what we, as LEPC, are doing to inform them about what is in the area (like chlorine) and what is being done for planning. We would like to bring them up to date with the AZSERC's review of the MCLEPC Section 303 emergency planning deficiencies, and let them know what is being done to address those deficiencies. Mr. Rose professed that it is a good plan; it just needs to be updated and some holes need to be filled in.

Mr. Rose stated we are looking at a June timeframe instead of May for the first meeting. I and Steve Brittle will be there. We will be asking other individuals to show up if they have the time. It is important for you to know that this is not a one time deal, and we plan to do this around once every 2 months in different areas throughout the county. MaryAlice requested that members be notified in advance of the date town hall meeting so we can RSVP. Mr. Rose stated that the intent is to get LEPC members involved in the meeting. Mr. Fusco stated that it should be a priority to reach out to the public.

EPCRA Week – Mr. Glenn Jones stated that for EPCRA Week, Mr. Dan Roe of the State Emergency Response Commission (SERC) has asked if our LEPC could try to schedule some type of activity. Mr. Jones stated that he would like to sit down with the education subcommittee to see if an activity can be developed. Mr. Fusco stated that we are looking for help and ideas, so we can make it happen. Mr. Jones suggested possibly a hazmat demonstration. No alternate suggestions were presented.

LEPC Legal Representation Letter – Mr. Glenn Jones declared a March 23, 2006 letter from the County Attorney's office specifies that Maricopa County is not responsible for representing the Maricopa County Local Emergency Planning Committee (MCLEPC). The County Attorney's office believes it is a state responsibility through the SERC. Mr. Fusco stated that a body without legal guidance is in today's world not doing well. Mr. Fusco asked if anyone knew what other LEPCs around the country are doing for legal representation. Mr. Gunter stated that in Ohio, the County Board of Supervisors has to review and approve the membership list, and then the LEPC is granted legal representation by the county. Mr. Gunter said that the question is if a lawsuit comes up do we have liability as individual members because of our association with the LEPC. Do our cities have responsibility or is there severability between who we are as representatives of our cities, and if that is true who is our defense attorney?

Mr. Brittle stated that he can answer that because he very is familiar with the civil rights complaint. Many of the actions related to the complaint were taken by the former Director of Maricopa County Emergency Management. Mr. Brittle stated that the Office of Civil Rights of the Environmental Protection Agency (EPA) have not charged a lawsuit, it is an administrative complaint. If a decision is made that the issue is warranted, what this means is that there is a potential for the removal of federal funds. Mr. Scott Meyer announced that the law covers the LEPC, so the committee needs to read state law. Mr. Brittle agreed stating that state law should cover us. Mr. Glenn Jones concurred that according to the letter from the County Attorney, it is the state's responsibility because the state designates each district and has supervisory authority over these districts. They can change the things that we do so they are ultimately responsible for the legal representation.

Mr. Fusco stated that Mr. Gunter is bringing up a question that the Attorney is going to bring up. We need to find out who is representing us. He asked Mr. Glenn Jones to set up a meeting with Warren Leek and Dan Roe to find out where the LEPC needs to go for legal help. He also requested a copy of the statutes that provide the LEPC immunity. He pointed out that it will shy people away from stepping up to the plate when it comes time to participate if they think we have no legal representation.

Retention Schedule – Mr. Glenn Jones imparted that the Maricopa County Records Management Division reviewed and generated a records and retention disposition schedule for Maricopa County Emergency Management. The schedule contains recommendations for how long MCDEM keeps records for the LEPC. Mr. Jones stated that what we need to find out today is, are the LEPC members comfortable with this schedule. Mr. Brittle stated that the federal law requires holding Tier Two's five years. I would recommend that we change it to five years (note: Maricopa County Records Management recommendation reads 3 years, pg.2). Ms. Kanoon stated that the information on the second page doesn't apply to the LEPC, but to MCDEM. Mr. Brittle stated to just understand that the law says five years. Ms. Kanoon pointed out that the retention schedule was approved a long time ago, and the EPA says 3 years. Mr. Fusco asked if when they talk about reports do they mean electronic files or hard copy. Ms. Kanoon stated that they mean hard copy but we also keep them electronically.

Mr. David Jones professed that the committee should wait to vote on this issue, until we find out who our attorney is because in the end, the state may be determining the retention schedule, not the County. Mr. Fusco asked who would favor waiting until we figure it out. The committee decided to table the issue until the next LEPC meeting.

Grant Money – Mr. Glenn Jones stated that a motion needs to be made to accept the SERC grant money. He stated that Ms. Sara Latin, Finance Manager for the Maricopa County Department of Emergency Management, expressed that their department needs to try and close out the books for June, so the LEPC needs to accept the funding soon. If accepted, the money will be available for use on July 1, 2006.

Mr. Fusco made a motion to accept the \$4,200.00 grant from the SERC. David Jones seconded the motion, and the motion was approved.

CAMEO Suite – Mr. Glenn Jones imparted that CAMEO Companion is available for purchase. The book is set up similar to a CAMEO for dummies book, with one section devoted to planning and the other response. The book has step-by-step instructions with guides and charts. We have a few copies in our office if anyone would like to take a look at it.

Mr. Glenn Jones announced that he was at a meeting with Dan Roe and Richard Eaton of AZSERC. Mr. Eaton is the Program & Projects Specialist for ADEM, he has expertise in LEPC and SERC issues. Mr. Jones declared that they discussed creating a better data management system for Tier Two Reports and business entities, to try and be able to merge those documents. The long term goal is to have this available for LEPCs online 24 hours day, seven days a week from remote sites.

UPCO – Mr. Glenn Jones indicated that an explosion occurred out at Universal Propulsion Company (UPCO) which the Phoenix Fire Department responded to on March 13, 2006. Member packets contain a copy of the follow-up report submitted by the company on March

27th, 2006. He stated that MCDEM fielded some questions from some of the residents out there. One of the questions was what can the county do to help the community create an evacuation plan. Mr. Jones pointed out that the neighborhood has formed a couple of associations and is going to be meeting with Chief Collins of Phoenix Fire Department this week. They need guidance to develop an evacuation schedule if something goes wrong in their subdivision. One of the things we have asked them to do is develop some questions for us. Unfortunately, the county emergency management office does not work so much with plans for subdivisions but works more with the cities/towns. The county is contracted with companies who provide emergency evacuation plans but one of the things we want to let the board know is that there are still some questions about what happened and community meetings planned with Phoenix Fire. They do want us to come out and talk about evacuation schedules. We have not seen a request to present on behalf MCDEM or the LEPC yet. Mr. Jones stated that Ms. Wendy Smith, chair of the evacuation committee should be contacting us shortly, to arrange a time to meet with the residents of the subdivision. Mr. Jones pointed out that Mr. Brittle could probably speak more about the details of what happened during the incident.

Mr. Steve Brittle declared that after the event he received telephone calls from residents. There was an evacuation center designated and none of the residents knew about it. One of the residents that lives right next to the fence line heard the explosion and witnessed employees running out of the building. She called the facility and asked the UPCO receptionist if she should evacuate. She told her not to evacuate, meanwhile three bus loads of employees left the site. She ended up in the parking lot at Wal-Mart instead of the evacuation center. Jenny Bowles, who heads the residents association, told me her husband was standing at the evacuation line that was drawn by the county, asking deputies where to go, and they did not know. Only four residents ended up at the evacuation center and that was because they heard about it on television. Mr. Brittle stated that when he contacted Chief Bob Khan, his response was that the evacuation had been lifted but that was six hours after the incident began.

Mr. Brittle explained that he received a letter from Mayor Gordon and an email from one of the City Councilpersons, and in the report it said some of the same stuff. He stated that he emailed them back and said the problem is that it isn't true, and here is the problem, I think your response could be little bit to who is asking the City Manager's office, to figure out what the story is on the discrepancies. Mr. Brittle indicated that the residents are still waiting for a response now. They are very upset because they were told that when something happened that they would get a call from a ring down system telling them that they need to evacuate, and they would receive assistance in the evacuation. Another part of the problem is that the facilities in city limits live in the county so there is miscommunication.

Mr. Brittle attested that when he visited the residents, he referred them to the LEPC because they were looking to develop a neighborhood-based evacuation plan, and that is really how they found out the LEPC existed in the first place. They have a lot of their own resources, so they could probably put something together easily.

Mr. Brittle pointed out that the UPCO facility is located at Happy Valley Road and Central, and Central is the only road out of the subdivision. This issue was brought up during an earlier zoning fight, and now it has happened. They were not allowed to pass in or out of the community during the event because the road was blocked off. People ended up driving through the desert to get out. He proclaimed that there are going to be a host of issues.

Mr. Fusco asked what the reasons would be for the residents not knowing where to evacuate to. Mr. Glenn Jones disclosed that in his conversation with Wendy Smith, she pointed out that she saw Phoenix Police Department driving up the road, but information was never passed to her. Some of her neighbors were told to evacuate while others were told nothing. Mr. Jones explained that the Phoenix Fire Department should be using a unified command structure and the issues would be more suited for Chief Khan to answer. At the emergency management level we end up gathering information by watching the news just like everyone else. The break down in communication should be dealt with by asking the first responders. Our suggestion at the county level was to get the neighborhood to organize into Community Emergency Response Teams (CERT), to give them more one on one face time with the battalion chiefs and responding agencies. If they have a system in place amongst the people in their neighborhood, then responders will be able to report to the designated point of contact for the group, instead of having to go door to door. Mr. Fusco requested an overview be put together in the member packets for the next LEPC meeting. He stated that by the nature of the animal, you never have enough people on a response team to do what you need to do. As an LEPC, we could also push CERT teams from an educational standpoint. We could also use the CERT points of contact for notification of LEPC meetings.

Mr. Rose asked who was in charge of the evacuation. Mr. Jones stated that is one of the issues that has come up. Mr. Bobby Ruiz stated that UPCO is on state land. Mr. Gunter pointed out that City of Phoenix should be in the lead. Mr. Brittle clarified that the land has been annexed to the City of Phoenix. Mr. Jones stated that is state property that has been annexed by the city.

Mr. Ruiz declared that time is an issue in emergency evacuation, if you knock on a door and nobody answers, you're gone. Mr. Brittle stated that he has worked with other communities with facilities that were under our jurisdiction and the evacuation procedures and site selection is always an issue. Mr. Fusco stated that a lot of communities have designated sites but the actual shelter is usually not determined until the time of the event. For chemical emergencies, unfavorable wind conditions created from monsoons could change the designated site.

Mr. Brittle announced that eighteen fire trucks showed up at the incident, some from as far away as City of Mesa. There were no fire hydrants in the area, and residents were left wondering, why the remote show of force and taxpayer dollars spent. Mr. Ron Jamison stated that it cost taxpayers nothing, it is a fixed cost. Mr. Brittle stated that he would clarify this with those who were asking. Mr. Fusco stated that some of those teams could have been specialized and called on specifically for the incident.

Ms. Witzel asked why the CENS (Community Emergency Notification System) was not used during the event to notify residents. Mr. Brittle stated that the TRW settlement that has funded it for years is about to run out, but why wasn't it used...I don't know. Ms. Witzel asked what was going to happen. Mr. Brittle stated that when it runs out that's it. When CENS was originally developed Bea Beasley held the contract, and part of the event process involved keeping it up and funded. They awarded it to Qwest and nothing was ever done to keep it going, I complained but it is going to expire. Mr. Fusco announced that there are local CENS. Mr. Brittle suggested putting CENS on the agenda for the next LEPC meeting.

Ms. Witzel recommended that the UPCO neighborhood be invited to the next town hall meeting. Mr. Brittle stated that a small delegation from the UPCO community could be invited, including Ms. Wendy Smith, to observe. We are going to talk about emergency

planning strategies. Mr. Fusco requested that the planning subcommittee bring potential planning areas to work in, no need for a timeline, to be discussed at the next LEPC meeting.

Ms. Witzel asked what kind of drill is being planned with the money that will be available soon. Mr. Jones stated that the drill would be a lot like the one held in Tempe had back a few years ago. The 2700 dollars will be used to purchase equipment and practice with it. The drills will be small and move to different parts of the county a few times this year. Ms. Witzel asked if UPCO area community members are county residents. Mr. Brittle stated that the residents are considered county residents. Ms. Witzel professed that the town hall and emergency drill should be conducted out there, and then at least the people would have some knowledge of what to do. Mr. Gunter stated that there needs to be an external info plan and a marketing team to put it out to the public. It is also important to notify the jurisdiction of the event. He pointed out that while the fire departments are open to CERT volunteers, the police departments may not be as receptive.

Board Comments

Mr. Fusco announced that a memo dated 24 June 2005, specified eleven sites with action to be taken for mapping by the ad-hoc subcommittee. He requested that the planning subcommittee sit down and make sure that the LEPC properly answered what was requested in the memo. There have been some discussions over CAMEO verses the Chlorine Institute sites. I would ask that we work out the bigger hazards. Mr. Brittle certified that the bigger hazard is the 90 ton railcar site. Mr. Fusco maintained that it should be done by the next LEPC meeting. Then when we have a question about distances and warnings we have it mapped, and it is accessible. Mr. Glenn Jones stated the problem we ran into before was trying to develop the values ourselves. He announced that after the county received the values from Mr. Brittle, the new MCDEM GIS guy, Marcos Coria was able to code the values into the maps. We learned that we can shrink them into PDF format and save them on to a disc, this will save production time and print costs. Mr. Fusco certified that there is no fault here, we had an honest discussion over how it was going to happen and no one was saying it wasn't going to happen.

Mr. Fusco indicated that he met with Warren Leek, Director of MCDEM and Glenn Jones to discuss the Maricopa County Emergency Operations Plan (EOP). The county is going forward with their EOP update over the next four months. The county EOP also references the LEPC plan. I think that we should sit down and explore the options for bringing our plan up to compliance alongside the county's schedule. Our plan should be standing tall when the county's goes up for approval. Mr. Fusco asked if anyone had anything to add. Mr. Brittle announced that one of the reasons for the town hall which will be held in May or June is to nail down the railcar issues, and once we get the other maps, it shouldn't take but a week or so. For many of the areas on the top ten list, the danger would be within 1-2 miles which could call for shelter-in-place, but not for the railcars. Mr. Brittle stated that four months should be fine, the only issue is not the amount of time but the frequency times we meet in the next four months. You would have to hold a special meeting to ratify it because LEPC meetings only happen quarterly and by that time county deadline will have passed.

Mr. Gunter maintained that a good street executable plan takes three to five years to de-bug, and the committee must make sure that statutory requirements are met first. Mr. Fusco explained that the deficiencies are fixable. The plan is not functionally broken, we are just going to make sure it is brought up to the minimum qualifications, and until we exercise the plan, we won't know. Mr. Brittle asked if there was a date set for when the county plan will

go up for approval. Mr. Fusco affirmed that Warren Leek, MCDEM Director, would know. If we need to have a special meeting, we will. He requested that committee members make themselves available for a plan review in the near future.

Mr. Fusco certified that if the subcommittee chairs need positions filled, let the committee know by the next meeting.

Call to Public

Mr. Scott Meyer reminded the committee to look at state law which provides immunity to individuals. LEPCs are supposed to be supported by their counties. I was extremely surprised to hear that Maricopa County is not providing legal support to the LEPC. Also, he contended that the administrative complaint could be solved once the plan gets fixed.

Ms. Ann Fisher announced that this year's fire season is expected to be especially bad, despite recent rains.

Public Review of Plan

There were no comments.

Announcement of Next Meeting

The location and time has yet to be determined.

Adjournment

Chairman Fusco made a motion to adjourn at 3:30 pm.

Dated this 5th day of April, 2006

Local Emergency Planning Committee

Submitted by: _____
Holly Carpenter, Recording Secretary

Reviewed by: _____
Mr. Michael Fusco, LEPC Chairman